

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)  
COMPLIANCE RECORD FOR CATEGORICAL EXCLUSIONS (CX)  
U.S. Department of Interior  
Bureau of Land Management**

**PART I. – PROPOSED ACTION**

**BLM Office:** DOI-BLM-AZ-G020

**NEPA No.:** 2014-0033-CX

**Case File No.:** AZA-035900

**Proposed Action Title/Type:** Special Recreation Permit (SRP) renewal, Hermosa Tours LLC

**Applicant:** Hermosa Tours, LLC

**Location of Proposed Action:** Middle Gila Canyons Travel Management Area, Battle Axe Rd. and Rincon Rd., South of the Town of Superior, generally situated in T3S R12E, T3S R13E, T4S R12E G&SRPM, Pinal County, Arizona (see Map 1.)

**Description of Proposed Action:** Approve renewal of SRP to authorize commercial recreational use of public lands administered by the BLM in connection with overnight camping related to self guided mountain biking tours along designated routes, for a term up to five years (2015-2019), as described in the approved Operating Plan and shown on Map 1, and subject to the SRP Terms, Conditions and Stipulations attached. The designated vehicle access routes include Battle Axe Rd., Rincon Rd., and un-named primitive roads. The mountain bike travelers connected to the proposed operation are self guided travelers on the Arizona National Scenic Trail, and no on-the trail services are provided by the permittee.

**Part II. – PLAN CONFORMANCE REVIEW**

**This proposed action is subject to the following land use plan(s):** 1) Phoenix Resource Management Plan Phoenix (Phoenix RMP/EIS). 2) Middle Gila Canyons Travel and Transportation Management Plan (MGC TTMP).

**Decisions and page nos.:** (1) Land Use Authorizations: Land use authorizations (rights-of-way, leases, permits, easements) would continue to be issued on a case-by-case basis" (Proposed Phoenix RMP/FEIS, Page 14). (2) Special Recreation Permits: Page 4-5, MGC TTMP, EA # AZ-420-2007-014

**Date plan approved/amended:** (1) RMP Record of Decision September 1989. (2) MGC TTMP Decision Record November 10, 2010

This proposed action has been reviewed for conformance with these plans (*43 CFR 1610.5-3, BLM Manual 1601.04.C.2*).

### **PART III. – NEPA COMPLIANCE DETERMINATION REVIEW**

**A. The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 [H. Recreation Management: 1. Issuance of Special Recreation Permits for day use or overnight use up to 14 consecutive nights; that impacts no more than 3 staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan. This CX cannot be used for commercial boating permits along Wild and Scenic Rivers. This CX cannot be used for the establishment or issuance of Special Recreation Permits for “Special Area” management (43 CFR 2932.5)];**

**And**

**B. Extraordinary Circumstances Review:** In accordance with **43 CFR 46.215**, any action that is normally categorically excluded must be subjected to sufficient environmental review to determine if it meets any of the 12 Extraordinary Circumstances described. If any circumstance applies to the action or project, and existing NEPA documentation does not adequately address it, then further NEPA analysis is required.

**IMPORTANT:** Appropriate staff should review the circumstances listed in Part IV, comment and initial for concurrence. Rationale supporting the concurrence should be included in the appropriate block.

**Part IV. – EXTRAORDINARY CIRCUMSTANCES DOCUMENTATION**

PREPARERS:

DATE:

Francisco Mendoza, Outdoor Recreation Planner	9/15/2014
Darrell Tersey, Natural Resource Specialist	9/15/2014
Amy Sobiech, Archaeologist	9/15/2014
Kristen Duarte, Range Conservatin Specialist	9/15/2014
Linda Dunlavey, Realty Specialist	9/15/2014
Catie Fenn, Wilderness Coordinator	9/15/2014
Keith Hughes, Natural Resource Specialist, Abandoned Mines	9/15/2014
Claire Crow, Assistant Field Manager	9/15/2014

/s/ Amy Markstein, NEPA Coordinator  
PLANNING & ENVIRONMENTAL SPECIALIST

9/16/2014  
DATE

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215(a)-(l)) apply. The project would:

(a) Have significant impacts on public health or safety.

Yes	No	<b>Rationale:</b> The proposed operation would not have significant impacts on public health and safety. Information on natural hazards in the area, primitive road conditions and abandoned and inactive mine lands, is disclosed in permit application materials. Permit requirements include liability insurance.
	X	
Preparer's Initials <u>fm</u>		

<p>(b) Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.</p>		
Yes	No	<p><b>Rationale:</b> The proposed operation would not have significant impacts on any natural resources or unique features listed. Vehicle and mechanized equipment will be traveling on the designated routes outside the existing White Canyon Wilderness boundary.</p> <p style="text-align: right;">Preparer's Initials <u>  fm  </u></p>
<p>(c) Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)].</p>		
Yes	No	<p><b>Rationale:</b> The proposed operation would not have highly controversial effects or involve unresolved resource use conflicts. The routes and parking turnouts involved in the operation are designated to accommodate public motor vehicle travel and use.</p> <p style="text-align: right;">Preparer's Initials <u>  fm  </u></p>
<p>(d) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.</p>		
Yes	No	<p><b>Rationale:</b> The proposed operation would not involve highly uncertain, nor potentially significant effects, and does not involve unique or unknown environmental risks.</p> <p style="text-align: right;">Preparer's Initials <u>  fm  </u></p>
<p>(e) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.</p>		
Yes	No	<p><b>Rationale:</b> The proposed operation would not have potentially significant environmental effects, therefore it does not establish a precedent for future actions with potentially significant effects. Issuance of SRPs is on a case by case basis, and subject to site specific reviews.</p> <p style="text-align: right;">Preparer's Initials <u>  fm  </u></p>

(f) Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		
Yes	No <b>X</b>	<b>Rationale:</b> The proposed operation would add to the ongoing public use in the area for similar temporary use for recreational purposes, including vehicle traffic on Battle Axe and Rincon roads, and connected bicycle traffic on the Arizona National Scenic Trail. The routes that would be used are designated accommodate public travel and use, including this type of use, and due to the type of use and low use levels would not have cumulatively significant effects.  <div style="text-align: right;">Preparer's Initials <u>fm</u></div>
(g) Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.		
Yes	No <b>X</b>	<b>Rationale:</b> The proposed operation would not have significant impacts on properties listed, or eligible for listing in the NRHP. No such properties are found at or adjacent to the designated travel routes or parking areas.  <div style="text-align: right;">Preparer's Initials <u>as/fm</u></div>
(h) Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		
Yes	No <b>X</b>	<b>Rationale:</b> The proposed operation would not have significant impacts on listed, or proposed for listing, under the ESA, nor have a significant impact on Critical Habitat for those species. See Biological Effects Determination, and the April 10, 2010 USFWS Biological Opinion on the Middle Gila Canyons TTMP.  <div style="text-align: right;">Preparer's Initials <u>dt/fm</u></div>
(i) Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		
Yes	No <b>X</b>	<b>Rationale:</b> The proposed action is authorized pursuant 43CFR2930, and is subject to all applicable federal, state, local and tribal laws and requirements.  <div style="text-align: right;">Preparer's Initials <u>fm</u></div>
(j) Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).		

<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> The proposed operation would not have a disproportionately high or adverse effect on low income or minority populations; the proposed action is in a rural and unpopulated natural resource land area.  <div style="text-align: right;">Preparer's Initials <u>fm</u></div>
(k) Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> The proposed action would not limit access to ceremonial or sacred sites, or significantly affect the integrity of those types of sites. No sites of this type have been identified in archaeological surveys for the area (Middle Gila Roads Inventory 2008: Cultural Resources Inventory of 46 Miles of Existing Roads on BLM Land East Of Florence, Pinal County, Arizona; EnviroSystems Management, Inc.)  <div style="text-align: right;">Preparer's Initials <u>as/fm</u></div>
(l) Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		
<b>Yes</b>	<b>No</b> <b>X</b>	<b>Rationale:</b> The proposed operation would not contribute to the introduction and spread of noxious weeds or non-native invasive species. Vehicles used in the operation will be required by permit stipulation to be kept clean and free of soil and plant debris that may contain noxious or invasive weed seed.  <div style="text-align: right;">Preparer's Initials <u>dt/fm</u></div>
<b>PART V. –COMPLIANCE REVIEW CONCLUSION</b> I have reviewed this plan conformance and NEPA compliance record, and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required.  <b>MITIGATION MEASURES/OTHER REMARKS:</b> None.  /s/ Viola Hillman 09/16/2014   APPROVING OFFICIAL: _____ DATE: _____ TITLE: _____		

Note: The signed conclusion on this compliance record is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. A separate decision to implement the action should be prepared in accordance with program specific guidance.